

### **IC 34-30-12.5**

#### **Chapter 12.5. Health Care: Immunity of Hospitals and Certain Persons Providing Smallpox Immunizations**

### **IC 34-30-12.5-1**

#### **Application of chapter**

Sec. 1. This chapter applies if the federal government authorizes the state department of health to implement a program providing for the administration of inoculations or other medical countermeasures against an actual or a potential bioterrorist incident or another actual or potential public health emergency under:

- (1) 42 U.S.C. 233(p)(2)(A); or
- (2) any other federal authority.

*As added by P.L.136-2003, SEC.2.*

### **IC 34-30-12.5-2**

#### **"Health care provider"**

Sec. 2. As used in this chapter, "health care provider" means the following:

- (1) An individual, a partnership, a professional corporation, a facility, or an institution licensed or legally authorized by the state to provide health care or professional services as any of the following:
  - (A) A licensed physician.
  - (B) A psychiatric hospital.
  - (C) A hospital.
  - (D) A health facility.
  - (E) A nurse licensed under IC 25-23.
  - (F) A paramedic.
  - (G) An emergency technician.
  - (H) An advanced emergency technician.
- (2) An employee of an individual or entity described in subdivision (1).
- (3) A member of the medical staff of an individual or entity described in subdivision (1).
- (4) An individual who has been authorized by the governing board of an individual or entity described in subdivision (1) to provide health care services on the individual's or entity's premises or on the individual's or entity's behalf.
- (5) An individual who, under contract with an individual or entity described in subdivision (1), administers an inoculation or another medical countermeasure against an actual or a potential bioterrorist incident or another actual or potential public health emergency under the circumstances described in section 1 of this chapter.

*As added by P.L.136-2003, SEC.2.*

### **IC 34-30-12.5-3**

#### **Immunity**

Sec. 3. A health care provider who administers an inoculation or

another medical countermeasure against an actual or a potential bioterrorist incident or another actual or potential public health emergency after January 23, 2003, under the circumstances described in section 1 of this chapter is immune from civil liability for any injury or damage that results from the administration of the inoculation or other countermeasure, except for an act or omission that amounts to gross negligence or willful or wanton misconduct. This section shall not affect the right of any individual to receive:

(1) benefits to which the individual would otherwise be entitled under:

(A) the worker's compensation law (IC 22-3-2 through IC 22-3-6); or

(B) any pension law; or

(2) any benefits or compensation under any federal law.

*As added by P.L.136-2003, SEC.2.*